

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 1:06CR401
Plaintiff	:	
	:	
-VS-	:	
	:	
BENNY FLEMING	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Benny Fleming which was referred to the Magistrate Judge with the consent of the parties.

On 22 August 2006, the government filed a three-count indictment against Benny Fleming for conspiracy, money laundering, and aiding and abetting in violation of 18 U.S.C. § 371, 18 U.S.C. § 1957, and 18 U.S.C. § 2. On 8 September 2006, a hearing was held in which Benny Fleming entered a plea of not guilty before Magistrate Judge Vecchiarelli. On 19 December 2006, Magistrate Judge Vecchiarelli received Benny Fleming's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Benny Fleming is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Benny Fleming is adjudged guilty of Count Four in violation of 18 U.S.C. § 1957.

Sentencing will be:

12 March 2007 at 3:00 p.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 16 January 2007

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE